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EXAMINER

RICHARDSON, THOMAS W

ART UNIT	PAPER NUMBER
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4121

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,695

Applicant(s)

HAPARNAS, ZIV

Examiner

Thomas Richardson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending for examination.

Claims 1-20 are rejected.

Specification

1. Claim 18 is objected to because of the following informalities: After the phrase "The system of claim 17" the word "wherein" should be added.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-14, 16-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0194331, Lewis et al.

2. As per claim 1, Lewis teaches a method of managing telephony events associated with a first device connected to a wireless communications network (abstract, where the system manages incoming calls for a mobile device), the method comprising:

monitoring data directed to the first device over the wireless communications network (page 3, paragraph [0031], where the network detects an incoming call, thereby showing its monitoring of the network traffic);

determining if first data directed to the first device is associated with a first communication category, wherein the first data is configured to cause the first device to execute a first telephony event (page 3, paragraph [0031], where the network determines that the incoming traffic is a phone call); and generating second data from the first data, for communicating the second data to a second device over a wired communication connection (page 5, paragraph [0061], where the SCP returns a message to the home MSC with information on how to handle the telephone call), wherein the second data is configured to cause the second device to execute a second telephony event corresponding with the first telephony event (page 5, paragraph [0061], where the home MSC plays an announcement to the caller).

3. As per claim 2, Lewis teaches the method of claim 1, further comprising forwarding the second data to the second device (page 5, paragraph [0061], where the SCP returns a message to the home MSC with information on how to handle the telephone call).

4. As per claim 3, Lewis teaches the method of claim 2, further comprising forwarding the second data to the second device directly over an internet protocol (IP) based connection (page 4, paragraph [0042], where the call reaches the network by way of using Voice over IP (VoIP), which uses the IP protocol).

5. As per claim 5, Lewis teaches the method of claim 2, further comprising forwarding the second data to the second device directly over a user datagram protocol/Internet Protocol (UDP/IP) based connection (page 2, paragraph [0022], where

the system uses voice over IP (VoIP). It is commonly known in the art that VoIP uses the UDP protocol to send messages).

6. As per claim 6, Lewis teaches the method of claim 2, further comprising forwarding the second data to the second device by way of a server device connecting the first device and the second device over a wired internet connection (Figure 1, where the serving MSC is connected to the SCP through a wired network, and the data is sent to the home MSC through that wired network).

7. As per claim 7, Lewis teaches the method of claim 6, wherein the server device performs the step of generating the second data (page 4, paragraph [0046], where the SCP generates the alert which is forwarded to the home MSC).

8. As per claim 8, Lewis teaches the method of claim 1, wherein the first communication category defines a set of executable telephony events (abstract, where the communication is a telephone call).

9. As per claim 9, Lewis teaches the method of claim 8, wherein the set of executable telephony events comprises at least one of answering an incoming call, ignoring an incoming call, and disconnecting an incoming call (page 6, paragraph [0069], where the user selects to from a list of options regarding the incoming telephone call, including taking or forwarding the call).

10. As per claim 10, Lewis teaches the method of claim 1 further comprising the second device executing the second event upon receiving the second data (page 5, paragraph [0061], where the home MSC plays an announcement to the caller).

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11. As per claim 11, Lewis teaches a method of controlling events executed on a first device connected to a mobile communications network using a second device connected to the first device over a wired communications network (abstract, where the system manages incoming calls for a mobile device), the method comprising:

executing a first event by interacting with the second device (page 4, paragraph [0043], where the home MSC detects a telephone call directed at the mobile device);

communicating data associated with the first event to the first device over the wired communications network (page 4, paragraph [0048], where the home MSC sends a message to the SCP regarding the status of the mobile device); and

executing a second event on the first device, wherein the second event corresponds to the first event executed on the second device (page 4, paragraph [0050], where the SCP queries the mobile device).

12. As per claim 12, Lewis teaches the method of claim 11, wherein the first event comprises composing a text message using resources of the second device (page 3, paragraph [0035], where the message is displayed in a user-discernible format, such as a text message).

13. As per claim 13, Lewis teaches the method of claim 12, wherein the second event comprises transmitting the text message over the mobile communications network to a destination (page 3, paragraph [0035], where the message is displayed at the mobile device).

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14. As per claim 14, Lewis teaches the method of claim 11, wherein the wired communications network is an internet protocol (IP) based communication network (page 2, paragraph [0022], where the system uses voice over IP (VoIP)).

15. As per claim 16, Lewis teaches the method of claim 11, wherein the data associated with the first event is communicated to the first device over a user datagram protocol/Internet Protocol (UDP/IP) based connection (page 2, paragraph [0022], where the system uses voice over IP (VoIP). It is commonly known in the art that VoIP uses the UDP protocol to send messages).

16. As per claim 17, Lewis teaches a system of controlling telephony events directed to a first device via a wireless communications network (abstract, where the network handles calls directed toward a mobile device), by way of transferring data associated with said telephony events to a second device connected to the first device by way of an internet protocol based network (page 3, paragraph [0031], where the system sends a notification to the mobile device of the incoming call, also page 2, paragraph [0022], where the system uses voice over IP (VoIP)), wherein upon receipt of the data associated with the telephony events, the second device executes said telephony events (page 6, paragraph [0066], where the system forwards the call to the mobile device if the user selects to take the call).

17. As per claim 18, Lewis teaches the system of claim 17, *wherein* the second device can be used to control telephony events on the first device (pages 3-4, paragraph [0040], where the network handles the incoming telephone call according to the user selection).

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18. As per claim 20, Lewis teaches the system of claim 17, wherein the data associated with said telephony events is transferred over a user datagram protocol/Internet Protocol (UDP/IP) based connection (page 2, paragraph [0022], where the system uses voice over IP (VoIP). It is commonly known in the art that VoIP uses the UDP protocol to send messages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0194331, Lewis et al as applied to claims 2, 11, and 17 above, and further in view of US 6965917, Aloni et al.

19. As per claim 4, Lewis teaches the method of claim 2.

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Lewis does not teach a specific method for sending the data over the IP network to the mobile device. Aloni teaches a method for delivering a notification to a mobile device by sending an HTTP message further comprising:

forwarding the second data to the second device directly over a transmission control protocol/Internet Protocol (TCP/IP) based connection (abstract, where the notification is transferred using the HTTP protocol. It is well known in the art that HTTP uses the TCP protocol to send messages over an IP network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to send the notification in the manner of Lewis by using a TCP message as Aloni does.

It is well known in the art that TCP offers a more reliable method of transfer, and using TCP to send a notification would give the user a more effective method of message delivery (KSR International Co. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385 (2007)).

20. As per claim 15, Lewis teaches the method of claim 11.

Lewis does not teach a specific method for sending the data over the IP network to the mobile device. Aloni teaches a method for delivering a notification to a mobile device by sending an HTTP message wherein the data associated with the first event is communicated to the first device over a transmission control protocol/Internet Protocol (TCP/IP) based connection (abstract, where the notification is transferred using the HTTP protocol. It is well known in the art that HTTP uses the TCP protocol to send messages over an IP network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to send the notification in the manner of Lewis by using a TCP message as Aloni does.

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It is well known in the art that TCP offers a more reliable method of transfer, and using TCP to send a notification would give the user a more effective method of message delivery (KSR International Co. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385 (2007)).

21. As per claim 19, Lewis teaches the system of claim 17.

Lewis does not teach a specific method for sending the data over the IP network to the mobile device. Aloni teaches a method for delivering a notification to a mobile device by sending an HTTP message wherein the data associated with said telephony events is transferred over a transmission control protocol/Internet Protocol (TCP/IP) based connection (abstract, where the notification is transferred using the HTTP protocol. It is well known in the art that HTTP uses the TCP protocol to send messages over an IP network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to send the notification in the manner of Lewis by using a TCP message as Aloni does. It is well known in the art that TCP offers a more reliable method of transfer, and using TCP to send a notification would give the user a more effective method of message delivery (KSR International Co. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385 (2007)).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0147836, Flanagan teaches a system and method for routing notifications to mobile devices.

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US 2005/0188027, Clarke et al teaches a system with an interface for communicating alerts to mobile devices.

US 2004/0172454, Appelman et al teaches a method to send enhances notifications.

US 7 272 662, Chesnais et al teaches a system for routing messages to devices based on protocol information.

US 2003/0229670, Beyda teaches a method and apparatus for sending text messages in response to program notifications.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Richardson whose telephone number is (571) 270-5006. The examiner can normally be reached on Monday through Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TR



George Neuraeder
Primary Examiner